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PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/614,382	07/07/2003	Christopher J. M. Meade	1/1365	7418	
28501 7	7590 05/10/2004		EXAMINER		
BOEHRINGER INGELHEIM CORPORATION			SPIVACK, PHYLLIS G		
900 RIDGEBU P. O. BOX 368			ART UNIT	PAPER NUMBER	
RIDGEFIELD, CT 06877			1614		
			DATE MAIL ED. 05/10/2004	DATE MAIL ED: 05/10/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary 10614,382		Application No.	Applicant(s)				
Examiner Phyllis G. Spivack - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Examiner from a proper to a replace the production of 31 CPR 1.136(b). In or overal, however, may a reply be trinsify filed Ell the period for reply is parallaled under the production of 31 CPR 1.136(b). In or overal, however, may a reply be trinsify filed Ell the period for reply the production is lose than their Quays, a reply while the statutory minimum of thiny (30) days and like the statutory principal of the production of the communication of the communication of the communication of the period of this communication of the period of this communication of the period of the communication of th							
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1) Responsive to communication(s) filed on	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period we Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	6(a). In no event, however, may a reply be tim within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).				
2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s)	Status						
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5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☒ Claim(s) is/are objected to. 8) ☒ Claim(s) is/are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) ☐ Notice of Informal Patent Application (PTO-152)	4) Claim(s) <u>1-45</u> is/are pending in the application.						
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Application/Control Number: 10/614,382

Art Unit: 1614

Claims 1-45 are generic to a plurality of disclosed patentably distinct species comprising one or more EGFR kinase inhibitors (2), wherein the PDE-IV inhibitor is optionally in the form of an enantiomer, a mixture of enantiomers, a racemate, a solvate or a hydrate thereof, as disclosed in the instant specification. Applicants are required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed.

Should Applicants traverse on the ground that the species are not patentably distinct, Applicants should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the Examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Applicants are advised that to be complete, the reply to this requirement must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).

Any inquiry concerning this communication should be directed to Phyllis G. Spivack at telephone number 571-272-0585.

Phyllis G. Spivack Primary Examiner Art Unit 1614

May 6, 2004

PHYLLIS SPIVACK PRIMARY EXAMINER

Phyllis Spirack